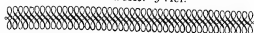


16 March 1846.—9 VICT.



(Ireland.)



A

B I L L,

INTITULED,

AN ACT for the better Protection of Life, and to facilitate the Apprehension and Detection of Persons guilty of certain Offences, in Ireland.

FOR the more easy detection and apprehension of persons who shall commit or shall attempt to commit Murder, or any grievous offence against the person or persons of any of Her Majesty's Subjects in Ireland, and for the repression and better prevention of such crimes ;
5 **BE it Enacted**, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT if the state of any county or part of a county in Ireland, with respect to the commission therein of the
10 crime of murder, or of feloniously slaying any of Her Majesty's subjects, or of the crime of shooting at, stabbing, cutting or wounding any of the said subjects, or of causing by any means whatsoever to any of the said subjects any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, or of shooting at,
15 stabbing, cutting, or wounding any of the said subjects with intent to maim or disable or to do some other grievous bodily harm to any of the said subjects, shall, in the judgment of the Lord Lieutenant of Ireland, render it necessary or proper for the due protection of the lives of Her Majesty's subjects in such county or part of a county, it shall and may be lawful for the Lord Lieutenant of Ireland, with the
20 advice and assent of Her Majesty's Privy Council in Ireland, to declare by proclamation that any such county or part of a county, as also such part as he and they shall think proper of any adjoining county, requires

Preamble.

1.
In cases in which the prevalence of Murder, &c. shall in the judgment of the Lord Lieutenant appear to render it necessary or proper, the Lord Lieutenant and Council may proclaim the District where the Murder, &c. shall have been committed, and the Lord Lieutenant may appoint resident Magistrates and additional Constables for such proclaimed District.

an additional establishment of police, and thereupon it shall and may be lawful for the Lord Lieutenant of Ireland to appoint such and so many resident Magistrate or Magistrates, Sub-Inspectors of Constabulary, Head Constables, Constables and Sub-Constables as he shall think proper to be stationed and reside within the district specified in such proclamation, until the Lord Lieutenant shall, by proclamation in that behalf issued, otherwise direct; and such additional force of Constabulary shall form part of the general constabulary force, and be in all respects subject to the same rules and discipline as the residue of the said force.

2.
Additional Police
deemed to be ap-
pointed under this
Act, and Salaries,
&c. to be defrayed
by the Counties, &c.
for which same
were originally ap-
pointed.

6 & 7 WIL. 4, c. 18.

Provided always, and be it Enacted, That in any county, county of a city or county of a town, barony, half-barony or other district heretofore certified to be in a state of disturbance, wherein any additional establishment of police shall at the time of the passing of this Act be stationed or acting pursuant to any proclamation heretofore made by the Lord Lieutenant, by and with the consent of the Privy Council of Ireland, in pursuance of the provisions of an Act passed in the sixth year of the reign of his late Majesty King WILLIAM the Fourth, intitled, "An Act to consolidate the Laws relating to the Constabulary Force in Ireland," such additional police force shall from and after the passing of this Act be deemed and taken to have been appointed under the provisions of this Act, and shall be subject to all the rules, restrictions and regulations of this Act.

3.
The Lord Lieu-
tenant and Council
may by such Pro-
clamation, or by a
distinct Proclama-
tion, warn the
inhabitants of the
District proclaimed
to remain within
their places of
abode between Sun-
set and Sunrise.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant of Ireland, with the advice of Her Majesty's Privy Council in Ireland, if he and they shall so think fit, in and by any such proclamation so to be made as aforesaid, or by a distinct proclamation, to warn the inhabitants of the district specified in such proclamation to be and remain within their respective places of abode at all hours between Sunset and Sunrise from and after such day as shall be named therein for that purpose.

4.
Power to revoke
Proclamation in the
whole or in part.

And be it Enacted, That it shall and may be lawful for the Lord Lieutenant of Ireland, by a new proclamation to be made by and with the advice of Her Majesty's Privy Council in Ireland, to revoke any proclamation issued in pursuance of this Act as to the whole or any part of the district thereby proclaimed, and thereupon the original proclamation mentioned therein shall, upon a day to be specified in such new proclamation, stand and be revoked so far as such new proclamation shall purport to revoke the same.

5.
Copies of the Pro-
clamation to be
posted as heretofore
directed.

And be it Enacted, That copies of every proclamation made under the provisions of this Act shall be posted on or near to the doors of all places of public worship within the district specified in such proclamation.

clamation, and on or immediately adjacent to the doors of each police station or barrack within the same, and at the places (if any) appointed by the Grand Jury for posting road notices within the same.

And be it Enacted, That the production of the Dublin Gazette, containing the publication of any proclamation under this Act, shall be deemed and taken to be, and shall be conclusive evidence in all courts of civil and criminal jurisdiction in Ireland, of all such facts and circumstances as were or shall be necessary to authorize the issuing of such proclamation as aforesaid; and every such proclamation shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity to the several provisions of this Act.

6.
Dublin Gazette to be evidence of the issuing of the Proclamation.

And be it Enacted, That it shall be lawful for the Lord Lieutenant of Ireland to pay such reward or rewards as to him shall seem fit, for the discovery or apprehension of any person or persons who shall be convicted of any of the offences aforesaid committed within the district specified in any such proclamation.

7.
Power to the Lord Lieutenant to pay Rewards for the Discovery and Apprehension of persons who shall be convicted of any of the offences aforesaid.

And be it Enacted, That any Magistrate, Inspector, Sub-Inspector, Head Constable, Constable, Sub-Constable of Police, or other peace-officer, shall and may cause to be apprehended and detained in custody any person who, within any proclaimed district wherein the inhabitants shall have been warned as aforesaid to remain within their places of abode as aforesaid, shall be under suspicious circumstances in the fields, streets, highways, or in any other place out of his dwelling, home or place of abode, at any time from One Hour after Sunset until Sunrise, and not on some lawful occasion, the proof whereof shall lie on the person apprehended; and such person so apprehended shall within Twenty-four Hours after his arrest, if the Court of Petty Sessions for the district shall not be appointed to be holden within that time, be brought before some Magistrate acting for such district, who, after hearing what such person may offer on his behalf, and inquiring into all the circumstances of the case, shall either order such person to be detained in custody, and brought before the Court of Petty Sessions which shall be next holden in and for the Petty Sessions district wherein such person shall be so apprehended, or shall admit him to bail, and bind him in his own recognizances, with Two sufficient Sureties, to appear before and abide the order of the Magistrate or Magistrates who shall be present at and acting in such Court of Petty Sessions; and when such person shall be so brought before such Court of Petty Sessions, or shall appear as aforesaid, it shall be lawful for the Magistrates present at and acting in such Petty Sessions, or for the major part of them, or for a single Magistrate (if only one shall be present), after hearing what

8.
Power to apprehend persons found out of their houses between Sunset and Sunrise in proclaimed District.

such person shall offer on his behalf, and inquiring into all the circumstances of the case, if they or he shall be satisfied that such person was so out of his dwelling, home or place of abode as aforesaid, upon some lawful occasion, to make an order in writing under the hands and seals or hand and seal of such Magistrates or Magistrate that such person shall be forthwith discharged; but if the major part of the Magistrates or the single Magistrate (as the case may be) shall not be so satisfied, or if the Magistrates present shall be equally divided in opinion, and no such order for the discharge of such person shall in consequence be made, then and in every such case such Magistrates or Magistrate shall forthwith commit such person for trial without bail or mainprize; or in case the major part of such Magistrates (if Two or more shall be present) or in case a single Magistrate (if only one shall be present) shall in their or his discretion so think fit, it shall be lawful for them or him to admit such person to bail, and to bind him, either in his own recognizances alone or with Two sufficient Sureties, to appear and take his trial according to the due course of law: Provided always, That the Magistrates or Magistrate by whom any person so apprehended shall be fully committed for trial shall, without delay after such committal, transmit to the Lord Lieutenant of Ireland a copy of the depositions against such person, and a true and faithful report of such committal, and the grounds and reasons thereof, with the examination of the prisoner, and the reasons alleged by him or on his behalf why he should not be committed (which the said Magistrates or Magistrate are or is required to take down in writing), in order that such person may be detained, discharged or admitted to bail, as to the Lord Lieutenant of Ireland shall seem fit.

Copy of Depositions,
&c. to be trans-
mitted to Lord
Lieutenant.

9.
Persons so found
guilty of a Misdemeanor.

And be it Enacted, That any person who shall, within any district proclaimed under this Act, be under suspicious circumstances found in any field, street, highway or other place out of his dwelling, home or place of abode, at any time from One Hour after Sunset until Sunrise, and not on some lawful occasion, the proof whereof shall lie on the person accused, shall be deemed guilty of a Misdemeanor.

10.
Magistrates of Petty
Sessions District to
meet once a Week.

And be it Enacted, That the Magistrates of every petty sessions district, the inhabitants of any portion whereof shall be warned by such proclamation as aforesaid to remain within their places of abode as aforesaid, shall and they are hereby required to assemble and meet in petty sessions, at the usual place of holding the same, once at least in every week during all such time as such proclamation shall be so in force, in any part of such petty sessions district.

11.
Persons found in
public-houses, &c.,
at certain times
guilty of a Misdemeanor.

And be it Enacted, That any person or persons found in any proclaimed district in any house of public resort, licensed or unlicensed, in which malt liquors or spirituous liquors are sold or consumed, or

in any house, shop, room, or other place of public resort, wherein tea, coffee, provisions, liquors or refreshments of any sort are sold or consumed, whether the same shall be kept or retailed therein, or procured elsewhere, (not being inmates thereof or travellers,) after One Hour after Sunset and before Sunrise, shall be deemed guilty of a Misdemeanor.

And be it Enacted, That it shall and may be lawful for any Justice of the Peace, or any person thereto authorized by the warrant of any Justice of the Peace, at any time, from One Hour after Sunset until Sunrise, to demand admission, and in case admission shall be refused, or not obtained within a reasonable time after it shall have been first demanded, to enter by force into any house in any proclaimed district, licensed or unlicensed, in which malt liquors or spirituous liquors are sold, or into any such house, shop, room or place of public resort as aforesaid.

And be it Enacted, That any person who shall, within any district proclaimed under this Act, knowingly have in his dwelling-house, place of abode, custody or possession any fire-arms or ammunition, not being duly authorized to keep the same, the proof whereof shall lie on the person accused, shall be deemed guilty of a Misdemeanor.

And be it Enacted, That any person who shall wilfully or maliciously injure either the person or property, real or personal, of any person who has appeared, or shall appear, or be bound to appear, as a witness, prosecutor or juror, by reason of his conduct as such, or who shall, by threats or menaces or otherwise howsoever, deter or intimidate or endeavour to deter or intimidate any person from appearing or acting as a witness, prosecutor or juror, or from discharging his or her duty in that behalf, shall be deemed guilty of a Misdemeanor under this Act.

And be it Enacted, That every person convicted of any misdemeanor under this Act, shall be liable to be transported beyond the seas for any term not exceeding Seven Years, or to be imprisoned for any term not exceeding Three Years.

And be it Enacted, That no person offending against the provisions of this Act shall be tried at any Sessions of the Peace; but any person so offending shall and may be tried at some Assizes or Court of Oyer and Terminer and General Gaol Delivery to be holden in and for the county wherein such offence shall be committed.

And be it Enacted, That when any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be

12.
Power to enter public-houses, &c., at certain times.

13.
Persons not duly authorized having arms in their possession in proclaimed district guilty of Misdemeanor.

14.
Any person wilfully or maliciously injuring the person or property of or intimidating a Witness, Juror or Prosecutor, guilty of Misdemeanor.

15.
Punishment for offences under this Act.

16.
Offences may be tried at Assizes, &c. instead of Sessions of the Peace.

17.
Hard Labour, &c.

imprisoned with or without Hard Labour in the Common Gaol or House of Correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with Hard Labour, not exceeding One Month at any one time, and not exceeding Three Months in any one year, as to the court in its discretion shall seem meet. 5

18.

Party prosecuted to
plead forthwith.

And be it Enacted, That when any person shall be prosecuted by indictment for any misdemeanor committed against the provisions of this Act, such person shall plead to such Indictment forthwith, so that the trial thereof may not be delayed or postponed to any subsequent Commission of Oyer and Terminer, or session of the court in which such trial is to take place, unless the court shall otherwise direct. 10

19.

Limitation of Ac-
tion.

And be it Enacted, That no action, suit or proceeding shall be commenced or prosecuted against any person or persons for any thing done in pursuance of this Act until after Thirty Days' notice thereof shall be given to such person or persons, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after the expiration of Three calendar Months next after the fact committed; and every such action, suit or prosecution shall be laid or brought in the county where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action, suit or prosecution shall and may plead generally not guilty, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if any replevin shall be brought for any cattle, goods or chattels seized or taken by virtue or in pursuance of this Act, it shall and may be lawful and sufficient to and for the defendant or defendants, or avowant or avowants, in any such replevin, to avow, plead or make cognizance generally that he or they took the same cattle, goods or chattels as a distress, by force of the statute in that case made and provided, without more particularly setting forth this Act, or the cause of making or detaining the said distress, or making any more special plea, avowry or cognizance, any thing herein contained to the contrary notwithstanding; and if it shall appear that the matter on which the cause of action arose was done, or the distress replevied made, in pursuance of this Act, or that such action or suit shall have been brought before the expiration or Thirty Days after notice thereof given as aforesaid, or after sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county than as aforesaid, then the Jury shall find for the defendant or defendants, avowant or avowants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or shall discontinue his or their action, suit or prosecution after the defendant or defendants shall have appeared, 30 35 40

appeared, or upon, demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants, avowant or avowants, shall recover double costs, and shall have such remedy for the same as any defendant or defendants hath or have in other cases of costs given by law.

And be it Enacted, That the Lord Lieutenant of Ireland shall cause an abstract of the provisions of this Act to be prepared, and shall in such manner as he shall think convenient cause such abstract to be printed, published, posted or distributed for the information of all persons in Ireland affected by the enactments herein contained.

20.
Copies of abstract of Act to be circulated in prescribed District.

And be it Enacted, That in the construction of this Act the words " Lord Lieutenant " shall be construed to include the Lords Justices or other Chief Governor or Governors of Ireland for the time being; and that, where the subject or context requires it, every word importing the singular number only shall extend and be applied to several persons and things as well as one person and thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons and things; and every word importing the masculine gender shall extend and be applied to the feminine gender.

21.
Interpretation Clause.

And be it Enacted, That this Act shall continue and be in force until the First day of October One thousand eight hundred and Forty-nine, and may be amended or repealed by any Act to be passed in the present Session of Parliament.

22.
Continuance and alteration of Act.